

## **REMARKS**

The Applicants are filing concurrently, with this Amendment, an Information Disclosure Statement and an attached Form PTO-1449.

Reexamination and reconsideration of this application in view of the following remarks is respectfully requested. By virtue of this amendment, claims 1, 15 and 19 are amended, and claims 14, 16, 18, 20, 25 and 26 are canceled. No new claims are added. After this amendment, claims 1-13, 15, 17, 19 and 21-24 remain pending in this application. No new matter was added.

### **Claim Rejections - 35 USC §103**

Reconsideration of the rejection of claims 1-26 under 35 U.S.C. §103(a) as being unpatentable over Zolnowsky (U.S. 5,826,081) in view of Cutler et al., (U.S. 5,291,581) hereinafter “Cutler”, is respectfully requested in view of the amendments to independent claims 1, 15 and 19, in view of the cancellation of claims 14, 16, 18, 20, 25 and 26, and for the following reasons. The changes made to the amended claims find support at page 10, lines 4-13 and at page 62, lines 13-18 of the specification.

The Applicants agree with the Examiner that Zolnowsky does not explicitly disclose a prioritized information processing unit acquiring the contended resource by a second process to the exclusion of the non-prioritized information processing unit having acquired the non-prioritized exclusion right, the second process requiring a shorter processing time than the first process.

The Applicants disagree with the Examiner’s interpretation of Cutler. The Applicants disagree with the Examiner that the use of the EPICODE rather than use of “the two typical operating system modes” of Cutler is the same as a process requiring a longer processing time versus a process requiring a shorter processing time. The Examiner stated in the Office Action, “*Figure 4 [of Cutler] illustrates a mode (epicode mode) in step 405 where access to the memory unit is gained in an efficient manner, col. 4, lines 23-50.*” However, the only explanation that Cutler gives for step 405 is set forth at col. 4, lines 64-66 of Cutler, to wit, “*the virtual address mapping for instruction stream references is disabled in step 405*”. Therefore, Cutler does not

discuss a process that requires a longer processing time versus a process requiring a shorter processing time.

The combination of Zolnowsky and Culter fails to disclose all the elements of amended claim 1. In particular, the combination of Zolnowsky and Culter fails to disclose the italicized portions of amended claim 1, as follows:

“a plurality of non-prioritized information processing units mutually exclusively acquiring a non-prioritized exclusion right by a first process, the non-prioritized exclusion right indicating a candidate for acquiring the contended resource, ***the first process executing writes by using compare-and-swap instructions***; and

a prioritized information processing unit acquiring the contended resource by a second process to the exclusion of the non-prioritized information processing unit having acquired the non-prioritized exclusion right, ***the second process executing writes by using normal write instructions.***”

Therefore, the Applicants believe that amended claim 1 should be allowed. Furthermore, claims 2-13, 17 and 21 depend upon independent claim 1, and because dependent claims recite all the limitations of the independent claim, it is believed, for this additional reason, that dependent claims 2-13, 17 and 21 also recite in allowable form.

The changes made to independent claims 15 and 19 are related to the changes made to claim 1; therefore, amended claims 15 and 19 should allow for reasons similar to the reasons set forth above regarding claim 1. Furthermore, claims 22-24 depend upon independent claim 19, and because dependent claims recite all the limitations of the independent claim, it is believed, for this additional reason, that dependent claims 22-24 also recite in allowable form.

Accordingly, in view of the remarks above, and because combination of Zolnowsky and Culter does not teach, anticipate or suggest, the presently claimed invention, the Applicants believe that the rejection of claims 1-26 under 35 U.S.C. §103(a) has been overcome. The Applicants request that the Examiner withdraw the rejection of these claims.

**Conclusion**

The foregoing is submitted as full and complete response to the Office Action mailed June 28, 2006, and it is submitted that claims 1-13, 15, 17, 19 and 21-24 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims 1-13, 15, 17, 19 and 21-24 is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless the Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants acknowledge the continuing duty of candor and good faith to disclose information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

The present application, after entry of this response, comprises twenty (20) claims, including three (3) independent claims. The Applicants have previously paid for twenty-six (26) claims including six (6) independent claims. The Applicants, therefore, believe that a fee for claims amendment is currently not due.

**If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.**

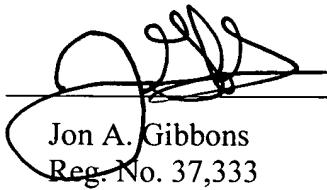
The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account **50-1556**.

In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

Respectfully submitted,

Date: September 28, 2006

By: \_\_\_\_\_

  
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